

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

FILED  
CHARLOTTE, N.C.  
2005 MAY 31 AM 11:32  
J. F. HIGDON, CLERK  
U.S. DIST. CT. OF N.C.

LARRY GREEN,

Plaintiff,

v.

JO ANNE B. BARNHART,

Commissioner of Social Security,

Defendant.

CIVIL NO. 3:03CV457

NOTICE OF SETTLEMENT OF EAJA PETITION AND  
CONSENT ORDER OF DISMISSAL

**THIS MATTER** is before the Court upon plaintiff's "Petition for Attorney's Fees" pursuant to the Equal Access to Justice Act, (EAJA), 28 U.S.C. § 2412(d). This EAJA petition is the only matter remaining before the Court. By their respective signatures hereon, the parties hereby give notice that the amount of the EAJA fee has been settled and agree to a dismissal of the EAJA petition without prejudice to its renewal should the settlement not be consummated.

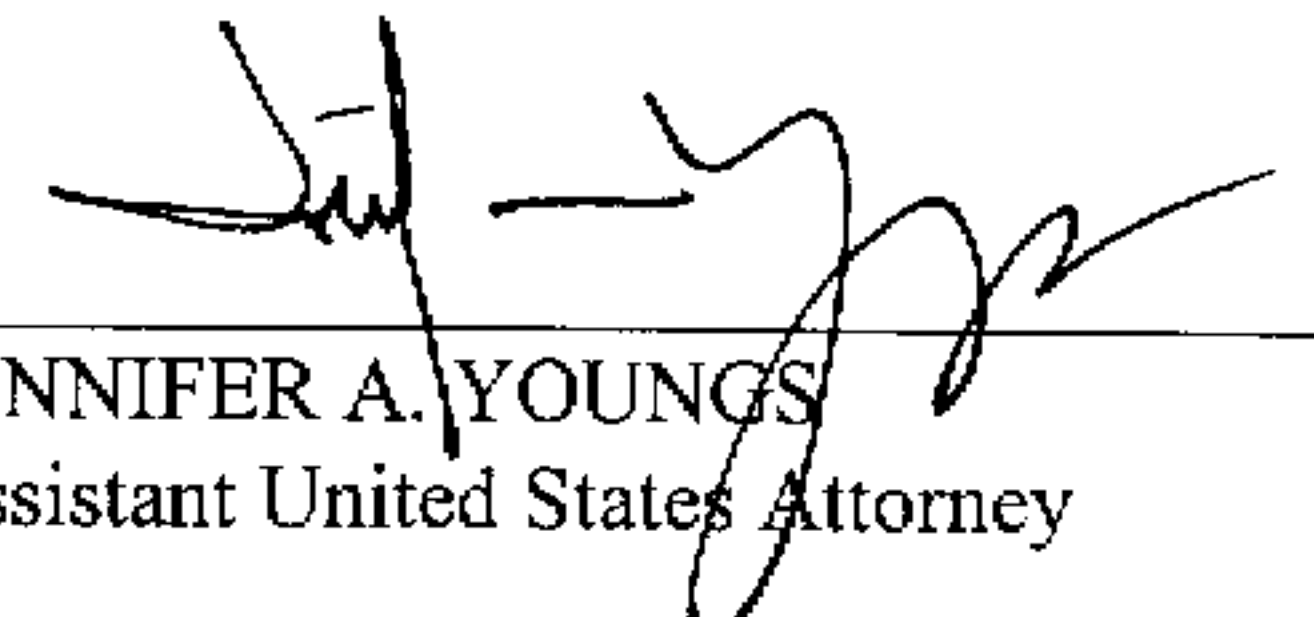
**WHEREFORE**, for the forgoing reasons, the EAJA petition is dismissed without prejudice.

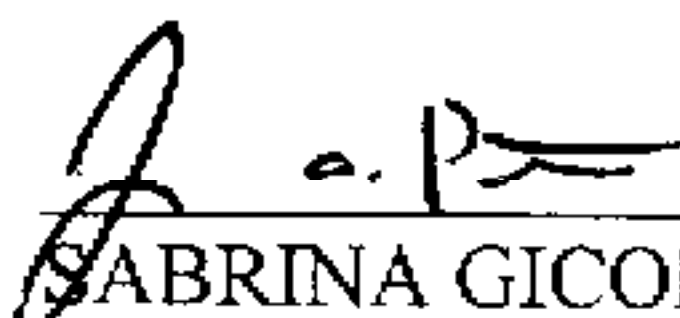
The Clerk is directed to send copies of the Order to counsel for the parties.

SO ORDERED, this the 2nd day of <sup>June</sup>~~May~~, 2005.

  
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DAVID C. KEESLER  
UNITED STATES MAGISTRATE JUDGE

WE CONSENT:

  
\_\_\_\_\_  
JENNIFER A. YOUNGS  
Assistant United States Attorney

 a. P. NCB 24464 for:  
\_\_\_\_\_  
SABRINA GICOLA  
Counsel for the Plaintiff (Larry Green)